

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DEBRA GANDY,

Plaintiff,

Case. No. 17-cv-12932

v.

Honorable Thomas L. Ludington
Magistrate Judge Patricia T. Morris

COMMISSIONER OF SOCIAL SECURITY,

Defendants.

**ORDER ADOPTING REPORT & RECOMMENDATION, GRANTING DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT, DENYING PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT, AND AFFIRMING THE DECISION OF THE
COMMISSIONER**

On July 29, 2014, Plaintiff filed the instant applications for Supplemental Security Income benefits (SSI) and Disability Insurance Benefits (DIB), alleging a disability onset date of July 10, 2013, later amended to September 1, 2014. (Tr. 201-07). The Commissioner denied her claims. (Tr. 94-125). Plaintiff then requested a hearing before an Administrative Law Judge (ALJ), which occurred on April 6, 2016 before ALJ Henry Perez, Jr. (Tr. 73-93). The ALJ issued a decision on June 1, 2016, finding Plaintiff not disabled. (Tr. 14-33). On July 21, 2017, the Appeals Council denied review, (Tr. 1-9), and Plaintiff filed for judicial review of that final decision on September 7, 2017. (Doc. 1). The matter was referred to Magistrate Judge Patricia T. Morris. ECF No. 4. The parties filed cross motions for summary judgment. ECF Nos. 15, 18.

On May 1, 2018, Judge Morris issued her report finding that the Commissioner's decision that Plaintiff is not disabled was supported by substantial evidence. ECF No. 19. Judge Morris recommended that the Court grant Defendant's motion for summary judgment, deny Plaintiff's motion for summary judgment, and affirm the decision of the Commissioner.

Although the magistrate judge's report explicitly states that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, neither party has filed any objections. The election not to file objections to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation, ECF No. 19, is **ADOPTED**.

It is further **ORDERED** that Plaintiff's Motion for Summary Judgment, ECF No. 15, is **DENIED**.

It is further **ORDERED** that Defendant's Motion for Summary Judgment, ECF No. 18, is **GRANTED**.

It is further **ORDERED** that the findings of the Commissioner are **AFFIRMED**.

It is further **ORDERED** that this case is **DISMISSED**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: May 31, 2018

<p style="text-align: center;">PROOF OF SERVICE</p> <p>The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on May 31, 2018.</p> <p style="text-align: right;"><u>s/Kelly Winslow</u> KELLY WINSLOW, Case Manager</p>
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